IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE
MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WA.No. 287 of 2007(D)

AGAINST THE JUDGEMENT/ORDER IN WPC.37188/2004 Dated 08/11/2006

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APPELLANT: PETITIONER

C.K.SHANI, S/O.HUSSAIN,
VAZHAYIL HOUSE, KARAPUZHA, KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS/RESPONDENTS:
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1. THE WELFARE FUND INSPECTOR,
THE KERALA TODDY WORKERS WELFARE FUND BOARD,
KOTTAYAM.

2. THE CHIEF WELFARE FUND INSPECTOR,
THE KERALA TODDY WORKERS WELFARE FUND BOARD,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM DIVISION, KOTTAYAM.

4. K.C.SIVADASAN,
S/O.CHENNAN, KURUMUTTOM HOUSE,
VELLOOR P.O., KOTTAYAM DIST.

5. V.L.MOHANAN, VELLUKUNNEL,
KUZHIMATTOM P.O., DIST.KOTTAYAM.

6. THE SECRETARY TO GOVT.,
LABOUR (B) DEPARTMENT, STATE OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

BY S.C. SRI. A.K. JOHN FOR K.T.W.W.F. BOARD.
BY GOVERNMENT PLEADER SMT. K. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 287 OF 2007

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Dated this the 21st day of February, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

The writ petition was preferred by the appellant seeking a writ of certiorari to quash Exts.P5 and P6 identify cards issued to the employees of Toddy Shop No.23(34), Chingavanam. Appellant also seeks a writ of mandamus directing the first respondent to follow the provisions under Section 8(1) of the Kerala Toddy Workers Welfare Fund Act and also to follow the procedures prescribed under paragraph 34 and 35 of the Kerala Toddy Workers Welfare Fund scheme along with some other consequential reliefs. The learned Single Judge dismissed the writ petition holding that there is no perversity in the finding of the 2nd respondent as it is based on acceptable evidence. It is against that decision the appellant has preferred this writ appeal. Learned counsel appearing for the Board

submits that the final determination order is yet to be passed. If that be so, it is open to the petitioner to place his grievance before the Appellate Authority, while challenging the final determination order.

The writ appeal is disposed of accordingly.

K.S. RADHAKRISHNAN,
(AG. CHIEF JUSTICE).

M.N. KRISHNAN, JUDGE.

ul/-